AND THE RESIDENCE OF THE PERSONS

Running down the beach those who had pollected their wits saw a score of persons lying stretched on the sand. Others, zed, were trying to stagger out.

FIVE DEAD LAY TOGETHER.

Near the pole, the farthest not over six feet from the base, lay the five who had been All but one were in their bathing Those who first saw the bodies say they were a dark blue from their heads to their feet. Some of them had fallen over on others whom the lightning had only rendered unconscious for a moment.

Philip Brazier, just out of Princeton. has charge of the bathing establishment There is a rule there that when anything happens that requires attention a whistle the signal.

Brazier whistled and four or five of his college mates came running to his assistance. They were just in time. The people inside the building had become panicky and started for the doors. Getting outside, half a dozen of the college men turned and faced the crowd and held the people

"It's all over," shouted Assistant Manager Burke. 'Just stay inside, keep dry and keep cool."

It was like holding the line in a football game for a moment. Then the doors were closed. Brazier jumped to the telephone and sent word to Coney Island to send over the police and all the doctors that could

CARRIED IN THE DEAD.

Before the police came the college men had got the crowd out from under the boardwalk and were carrying in the dead and injured. The dead were taken to the little emergency hospital, which is a part of the establishment. Dr. Reinment, who was on duty there, gave one look at the bodies and said all had died instantly. The only burns on any of them seemed to be

The mother of the two Demmerle boys was waiting for them in the office when the shower came up. They left her there while they went in swimming with Warsch, their cousin. When Mrs. Demmerle saw the bodies of the three brought in she became almost uncontrollable in her grief.

Jacob Frankel's body was identified by his brothers after they had recovered from

Frankel had been in swimming with his two brothers, but all three had come out and were under the walk together. Jacob, the one who was killed, fell over on his brother Joseph.

The last to be identified was George Dun-

podie. He had gone in bathing with William Moore of 486 Seventh avenue. Moore was standing beside him.

"All I know," said Moore, when he identified his friend, "was that there was a flash that made me blind, I'think, and then I felt as though the whole house was falling on top of me. When I came to I was lying on top of George."

SOON RECOVERED FROM SHOCK.

Although Moore was close beside his friend, he was all right inside of half an hour. Dunwoodie came from Buffalo only a few days ago and was an agent for the Heinz pickle people. His father is said to be a glove manufacturer in Buffalo.

By the time Drs. Pierce and Petit arrived in response to the telephone call there were nearly a score of persons suffering from effects of shock in some form or another. Some had been carried into the Emergency Hospital and others were placed on the cond floor. Two doctors also came from the Reception Hospital.

Two of the women, Mrs. Schoen and Miss Thiel, after recovering consciousness, could not remember anything. It was some time before they could think of their

Eight of the injured were removed to the hospital, carriages being used to help out the ambulances. Quite a few women whose names the police did not get were attended by Dr. Reinment of the bathir pavilion and went home. They had slight burns and were suffering from the shock.

BURNED FROM HEAD TO HEEL.

Most of the injured at the hospital recovered quickly. The most seriously hurt was Isaac Reese, who was burned all the way down his spine and on both legs and feet. He is expected to recover, however, Strangely enough, there were no children injured, although in the crowd of more than 200 persons under the boardwalk there were many children of all ages.

Practically every one who was under the walk got a slight shook. Some said the sand seemed charged.

The bodies of the five victims were taken to Havron's morgue on West Eighth street Coney Island, where they were followed by their friends. Hundreds of persons despite the downpour that followed, left the bathing place and walked to Coney Island after the news spread.

For an hour there was a constant dis-charge of electricity all along the ocean

The flag when pulled down looked as though it had been on the ramparts at Port Arthur. The top half of it had been burned of and the rest was in tatters. It wasn't taken down until an hour after the accident. Then a lot of people made a rush for please of it as souvenirs. The bath attendants got it inside in a hurry.

THE GRAVESEND ACCIDENTS.

The flood of electricity which the clouds let loose over Coney Island was equaled by that over toward the Gravesend section. there the lightning claimed the sixth victim. On the beach near where this fatality pocurred is what is known as Camp City, where a lot of people are camping out. There are nearly a hundred tents on the beach. When the storm came up nearly all the camp dwellers were out fishing. They had left their tents open and the wind played havon with a lot of them. The thunder and lightning terrified a lot of the people in the camp and they fled from the beach, some taking refuge under trees.

One of these parties of refugees was composed of Henry Ralsweilder of 197 Bush et, Brooklyn, his son William, John Apel of 188 Kent street, and a man named McAuley, whose first name the police didn't get. They got under a big cedar tree standing in a field near Forty-ninth street larway avenue. They had been there only a minute or so when a bolt struck the the others recovered they found that the elder Ralsweilder was dead. The bolt split the tree over their heads.

The call for an ambulance for this accident came in simultaneously with that from the Parkway Baths. As near as could be figured out, the bolts struck at practically the same moment. The survivors were treated by the doctors and sent home atter.

WHERE THE CAR WAS HIT. The trolley car that the lightning hit at the same time was of the Tompkins avenue line, bound from Coney Island to Brooklyn. It was running along Gravesend avenue near Eighty-sixth street, and was thus just about midway between the other two accidents. The car was an open one

the of men, women and children that and was only half full. Just as it got in WITTE NOT CERTAIN OF PEACE front of Engine Rouse 154 the lightning seemed to strike the trolley wire some distance behind the car. According to some of the firemen who were watching, the lightning seemed to run a race with the car until it finally caught up to it and ran down the trolley pole. The whole car seemed filled with electricity.

A Mr. and Mrs. Seddar were sitting at the end of a seat. When the lightning struck both screamed, and the next the passengers knew they were gone. A Miss rectly behind them, had also disappeared The car was stopped and the three were found lying in a ditch. They were take into the engine house and later resumed their journey. The roof of the car was wrecked, as well as the trolley pole.
Following is the list of dead and the

more seriously injured in the three acci-DEMMERLE. CHARLES, 20 years old, of \$73 Easixteenth street, Flatbush; killed at the Parkwa

Haths.

DEMMERLE, FRANK, 23 years old, 372 East Sizteenth street, Flatbush; killed at Parkway Baths.

DUNWOODIE, GEORGE, 21 years old, 441 Eighth street, Brooklyn; killed at Parkway Baths.

PRANKEL, JACOS, 30 years old, 228 East Seventy-first street, Manhajtan; killed at Parkway Baths.

RALSWEILDER, HENRY, 56 years old, 197 Bush street, Brooklyn; killed at Forty-ninth street and Harway Avenue, Gravasend. street, Brooklyn; killed at Forty-ninth etreet and Harway avenue, Gravesend. Wasch, Rebent Tuscopons, is years old, living at Prospect and Tremont avenues, Bronz; killed at Parkway Baths. APHL, John, 52 years old, 188 Kent street, Brook-lyn; struck at Forty-ninth street and Harway avenue, Gravesend.

iyn; atruck at Fortyminin stees and harvay avenue, Gravesend. Schorn, Mrs. Anna, 50 years old, 808 East 147th street, struck at Parkway Baths; burns on body and partial aphasia. Christiansian, Tina, 28 years old, 456 Pacific street, Brooklyn; struck at Parkway Baths; legs

street, Brooklyn; struck at Parkway Baths; legs burned.

CARLEY, MARY A., 20 years old, 588 Gates avenue, Brooklyn; struck at Parkway Baths; feet burned.

DUNNE, JOSEPH J., 21 years old, 208 Bedford avenue, Brooklyn; struck at Parkway Baths; both feet burned.

KROHAN, CARRIE, 19 years old, 279 South Fifth street, Brooklyn; struck at Parkway Baths; hands and feet burned.

MCAULEY, —, 31 years old, 306 Tweifth street, Brooklyn; struck at Forty-ninth street and Harway avenue, Gravesend; arms burned.

MILS, DAVID, 19 Filmore street, Brooklyn; struck at Parkway Baths; feet burned.

PHEIL, CLARA, 19 years old, Twelfth street, Maahattan; struck at Parkway Baths; arms burned and partial aphasia. hattan; struck at Parkway Baths; arms burned and partial aphasia.

RALEWHILDER, WILLIAM, 197 Bush street, Brooklyn: struck at Porty-ninth street and Harway
avenue, Gravesend; back burned.

REESE, ISAAO, Dean street, Brooklyn; struck at
Parkway Baths; burned about base of skull and

SEEDAR. --. 30 Tompkins avenue; fell from cas SHEDAR, Mrs., bruised falling from car.

LIGHTNING'S PRANES IN JERSEY.

A bolt of lightning struck the residence of Mrs. Clara E. Peterson, the divorced wife of George Morehouse Meyers, the envelope manufacturer, at 104 Gifford avenue, Jersey City, last evening and ripped the plaster from the ceiling of two rear rooms. It smashed two panes of glass. rooms. It smaahed two panes of glass. Mrs. Peterson has been out of town since shortly after Louis J. Apgar, corespondent in the divorce suit, committed suicide. A telephone testing station on the top of a 70-foot pole at Jackson and Communipaw avenues was hit by a bolt. The current ran down the wires into a conduit

and ignited some gases, causing an ex-plosion. A heavy manhole cover over the conduit was blown off and a section of the street, 10 by 12 feet, was torn up. Light-ning struck in the same place three years ago.

A bolt trimmed the flagpole on the club-house of the Samuel D. Dickinson Associa-tion at Sixth street and Jersey avenue.

Lightning ran along an electric light Lightning ran along an electric light wire into Tony Lembecks house at 62 Harri-son avenue, and set fire to some wood work The flames were quickly extinguished It also sent in a false alarm of fire from box 516 at the foot of Audubon avenue.It did

the same thing two weeks ago.

The power house of the public service corporation in Jersey City was flooded last evening. Water ran into the pit in which the high wheel and put the high wheel the life was and put the life wheel the the big fly wheel revolves and put the belout of business. The plant shut down for thirty-seven minutes and cars were stalled ver town. The service was crippled

It he evening.
The steeple of the church of St. Peter and Paul, at Fourth and Hudson streets, Hobo-ken, was struck by lightning last night. A board was ripped off.

MANY EXCURSIONISTS IN PERIL. Tug Engine Balks and Two Crowded Barges

Drift Toward the Rocks at Yenkers. YONKERS, July 30 .- An excursion party ously near being dashed on the rocks at North Yonkers this evening during a storm The quick work of the Joseph Peene, Sr., Yonkers tugboat, which went to the

rescue, alone prevented the disaster. The excursion was under the management of "The Two Sergeants," a Hoboken organi zation. They had the tug Neptune and two barges of the Meyers Navigation Company It was after 5 o'clock when they cast off from Riverview Grove, opposite Yonkers Soon the engine on the tug stopped sud denly. Every effort to start it was futile Meantime the two barges and the tug drifted toward the Vonkers shore. The captair

whistled for help and many small river craft responded. James Cunningham of 452 West Four teenth street and B. Plumacher of 341 East Fifty-ninth street. New York, with a party of friends who were in the launch Herbert were among the first to reach the barges and they were asked to speed to Yonker for a tug, which they did. Small river boats took a large number of people from the barges and landed them at Yonkers where they took the train for home.

where they took the train for home.

The Peene made fast to the barges and pulled them out into the river when they were within 100 yards of the rocks. After over an hour's drifting the engine of the Neptune was repaired, and the excursion proceeded to New York.

The captain of the tug refused to give his name or to say what caused the accident. People on the barges declared that the hawser broke and, becoming entangled in the propeller, disabled the engine.

NEARLY DROWNED IN STREET Weman Thrown Off Trolley Car Into Stormborn Watercourse.

The thunderstorm improvised a rive two feet deep yesterday afternoon across the Southern Boulevard near 146th street where the grade rises both ways. The motorman of a car approaching the stream put on speed, hoping to secure momentum enough to carry the car through. Going thus at full speed the car struck a curve and jumped the track.

Boys violating the regulations by riding on the inner railing were thrown from the car and so were Mrs. James McCarthy and several men on the outer ends of seats. All escaped with a ducking and slight bruises, except Mrs. McCarthy. She was thrown against a pile of paving stones along the curb, was stunned and sank beneath the surface. She was unconscious when picked up. She was taken to her home, in East

STATEN ISLAND WIRES DOWN. Lights Out, Cars Stalled, Phones Cut Off. Crowds Get Wet.

Telephone, electric light and trolley wires were blown down yesterday on Staten Island. The breaking of trolley wires stalled care in the most inconvenient and unsheltered places. Telephone service all over the island was badly orippied. The electric lights were out in New Dorp as well as in other parts of the island.

electric lights were out in New Dorp as well as in other parts of the island.

Visitors to the island's resorts had a loppy day of it. There was not shelter enough for the crowds and many of them were scaked. Oscar Hammerstein took two friends driving in a high wheeled cart drawn by his team of high steppers, and Oscar got so wet that he could have used his whiskers for a mop.

RUSSIAN ENVOY HINTS JAPAN MAY DEMAND TOO MUCH.

nterviewed on Steamer at Sea and State ments Are Sent by Wireless-Says Czar Is Sincere in Desire to End the War on Fair Terms-Pull Power to Negotiate

Special Cable Despatch to THE SUN. LONDON, July 81.—The Telegraph prints an interview with M. Witte, the Russian peace envoy, who is a passenger on the steamer Kaiser Wilhelm der Grosse. The interview was transmitted by wireless telegraphy from a correspondent on board

The correspondent opened the conversaon by referring to the two opinions entertained in regard to the outcome of the negotiations to be held at Portsmouth M. Witte replied very deliberately:

"Both sides are greatly mistaken in speaking of the negotiations about to take place in New Hampshire. If I knew what I was going to negotiate with Japan's plenipotentiary there Lahould feel much more hopeful as to the results than I do, but such is not the case.

'Itis usual when plenipotentiaries meet that they come to give and take within certain sharply defined limits and they generally agree in the end. Contrary to usage however, Japan's representative and myself are setting out without any such preliminary understanding. We have no common basis whatever. Therefore, our powers-at any rate-mine are very com-

"But in spite of this fulness of powers feel my role at the outset to be that of an imperial courier sent to learn the terms on which the Mikado's Government ready to make peace. The very fact of my being despatched on such an errand is conclusive proof of the sincerity of my imperial master.

"Beyond question it would have be nuch better if Japan and Russia had agreed upon a common basis before appointing plenipotentiaries, but as this could not be we must make the best of things as they are. The Emperor, whose instructions I shall faithfully carry out, is animated by intentions which will assuredly command the respect of the world and will also merit and receive the approval of the entire Russian

"To stop the war just when the tide of reverses appears to be turning back is a proceeding which requires more moral courage than people commonly imagine. My imperial master has given proof of this. He desires real and abiding peace conditions, which while just to the real facts cannot take into consideration mere fancies.

mands preferred by Japan were rejected by Russia. In the ensuing campaign fortune was favorable to our enemy, who therefore insists upon the fulfilment of these demands. She further expects that her military and naval successes shall be treated as titles to other concessions not included in her original claim.

"I consider that a legitimate subject of discussion. I am ready to deal with that matter in a businesslike spirit, give and take, but what I cannot and will not enter tain are demands based on expected military successes in the future. It is, of course, always open to victorious belligerents in all wars to make roseate forecasts of what would have happened if the war had gone on long enough. That is an indefeasible right which no one can

question.

"But it would be simply proposterous to expect that the possible results of luck hould not only be regarded, but also tr eated as real achievements and placed to the credit of the victor in arranging terms of peace. Considerations of that kind must be wholly eliminated, otherwise we might on the same principle be asked to discount an invasion of Western Siberia or even European Russia on the ground that if only the campaign had lasted ng enough fortune would have clung tenaciously to our enemies and their roseate anticipations might ultimately have come to pass. We must keep ourselves well within the limit of accomplished facts if we hope to agree upon a common basis for negotiations."

"My imperial master and I will do anything compatible with Russia's honor and dignity to establish the work of which I have been an unswerving advocate. If my endeavors fail it certainly will not be for lack of sincerity or want of reasonable-

"My first task, however, will not be to carry on negotiations, but to go in search of a basis for fruitful discussion. That is why I look upon myself at the present noment less as a peace negotiator, while fervently hope, having found common ground, that rôle may fall to my lot."

NATURE URNS ON RUSSIA. Crops Fall in Forty-one Provinces and Famine Is Near.

Special Cable Despatch to THE SUN St. Peterseurg, July 30 .- The Central Statistical Committee reports that the harvest in forty-one of the sixty provinces of European Russia is a complete failure. In Tula, Baizan, Saratoff, Warsaw and Kurland failure is interspersed locally with barely sufficient crops. Similar conditions prevail in twelve other provinces, including the great grain producing districts of Samara, Tamboff, Pinza, and the Don Cossacl district. In twelve other provinces good and bad crops alternate.

Good crops are expected in only six Polish provinces and in Grodno, Kieff. Volkynia and Bessarabia. Satisfactory crops are expected in two northern provinces, reports from which have not yet been received, but where good harvests are rare. Considering the optimism which usually characterizes such reports the public anticipates a very serious famine.

ZIONISTS FOR PALESTINE. Congress Asks Great Britain's Aid in Fur-

thering Their Aims. Special Cable Despatch to THE SUN.

BABLE, Switzerland, July 30.—The Zionis Congress sat until 3 o'clock this morning After a continued uproar it was decided to decline with a vote of thanks, the offer of the British Government of a tract of land in Uganda for colonization purposes. It was also resolved to ask Great Britain to further the aims of the Zionists in Palestine.

Lightning Burns Three Barns. RED BANK, N. J., July 30 .- During a series of thunderstorms this afternoon lightning destroyed the barns of William Reed at Shrewsbury, Mrs. Edward C. Hazard, near the Little Silver railroad depot, and Edward Adams at Eatontown. Several houses were struck, but nobody was injured. There was a heavy down pour of hail.

Chemist Breaks His Leg. Alfred W. Ogden, a chemist, living at East Orange, was hurrying to the Barclay street ferry with his wife and child in the storm last night when he stepped in a hole in the asphalt in front of the ferryhouse and broke his right leg.

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WILLIGNORE COREA'S DEMAND

NO THIRD PARTY IN RUSSO-JAP ANESE CONFERENCE.

Sate Save the Hermit Kingdom Must Walt the Decision of Graver Matters-New Member of Japanese Delegation -Naval Officers on Way to England

With his friend Baron Kaneko, Baron Komura, the Japanese envoy plenipoten tiary to the Portsmouth peace conference wentito Peekskill yesterday morning, return ing to the Waldorf-Astoria a little after t 'clock in the evening. "Baron Komura has an American friend

and classmate in Harvard living in Peekskill," said Mr. Sato, "and he and Baron Kaneko, who were in Harvard together, went up there to spend Sunday with him That is all there is to the Baron's absence to day. Baron Komura has many American friends, but as a rule they have refrained from calling upon him since his arrival here, knowing how busy he is." "You have many friends in this country

yourself, have you not, Mr. Sato?" the

spokesman of the envoys was asked. "How long have you been in America altogether? "I have a number of friends here." he replied. "I was four years in De Pauw University in Greencastle, Ind., and naturally have many acquaintances made in college. Then I was three years in our legation at Washington in President Cleveland's last administration. Last year, when I was here in Prince Fushimi's suite, I made many more friends. I see it is said somewhere that I taught Sunday school when I was in Greencastle during my college days. That is not quite the fact. I attended Sunday school when I was out there. That is all

De Pauw is a Methodist institution and thought it was right to go with the rest." "How about the alleged wish of Corea to be represented at the coming conference?

Mr. Sato was asked. "The conference is between the two countries immediately concerned—Russia and Japan." he replied. "There will be no consideration, as I understand it, of claims either from China or Cores. I cannot imagine, anyway, that the Coreans have bill of damages against Japan. However if China or Corea has claims either against Russia or Japan the natural time for their presentation, I should think, would be after the conference is over and to the particular country which the claimant may think is most concerned.

"Now that Baron Rosen is here will there be any communications with him or with Mr. Witte, when he arrives, on the part of the Japanese envoys? Baron Komura and Mr. Witte were friends in Russia, it is under-

Mr. Witte were friends in Russia, it is understood?"

"This is not an occasion of a meeting of friends," replied Mr. Sato. "It is a meeting purely for the transaction of business of rather a serious nature. There will be no interchanges of politenesses, I apprehend, until the two commissions are presented to each other by the President of the United States."

An addition to Baron Komura's suite was made on Saturday evening by the arrival on the American Line steamer St. Paul of Mr. Ochiai, First Secretary of the

arrival on the American Line steamer St.
Paul of Mr. Ochiai, First Secretary of the
Japanese Legation to France.

"Mr. Ochiai was in St. Petersburg with
Baron Komura when the Baron was our
Minister there," said Mr. Sato. "He speaks
Russian as well as French and English, and
will be of very great value undoubtedly

will be of very great value undoubtedly in the coming deliberations."

Commander Kamimura, three staff officers and three warrant officers of the Japanese Navy arrived here at 7:50 yesterday morning over the New York Central from Chicago and the Pacific Coast, where they landed from Japan a few days ago. They are on their way to England to receive the recently launched Japanese warship which has been building at a Scottish shipyard for some time back. It will not be completed, it is estimated, before July of next year.

Commander Kamimura is in no way related to Vice-A dmiral Kamimura, who is now in command of Japanese war ves-

is now in command of Japanese war ves-sels in the vicinity of Sakhalin and Vladi-vostok. He and the rest of the officers sall for Europe on the Teutonic to-morrow. The entire party went from the Grand Central Station yesterday morning to the Broadway Central Hotel, but later in the day Commander Kaminnura and the three staff officers went to the Nippon Club, 44. West Eighty-fifth street, and will remain there as guests of the club until they go to the steamer. The three warrant officers remain at the Broadway Central Hotel. This evening there will be a reception for all these naval officers at the Nippon Club when ft is expected that Commander Kami-mura will tell something about the great

battle.
To-morrow evening there is to be a Jap anese family affair reception to Baron Komura and some of his suite at the club, when Japanese residents of New York generally, irrespective of membership of the Nippon Club, will have an opportunity to meet their distinguished fellow country

BARON ROSEN IN TOWN. Russian Peace Envoy Here to Await Witte's

Baron Roman Romanovitch de Rosen colleague of Sergius Witte as Russian peace envoy, is at the Hotel St. Regis awaiting the arrival of M. Witte, who will come or the Kaiser Wilhelm II, this week.

The Baron came here on Saturday night from Magnolia, Mass., unaccompanied. His wife and daughter will join him in a day or two and the entire Russian party wil make their headquarters at the St. Regis. Baron Komura and the Japanese party are at the Waldorf. Baron Rosen and Baron make their headquarters at the St. Regis. Baron Komura and the Japanese party are at the Waldorf. Baron Rosen and Baron Komura are well acquainted having had official and personal relations when Rosen was stationed in Tokio.

Baron Rosen made arrangements yesterday for the reception of M. Witte and the other members of the party. The envoy had nothing to say for publication yesterday.

NAT GOODWIN ARRESTED. Puginst Britt Plays a Joke on His Actor Friend.

RENO, Nev., July 30.—Nat Goodwin, the actor, and Tiv Kreling, his friend, were arrested as horse thieves yesterday. For sixty minutes they were in the clutche Sheriff at Carson, and were held in jail, all the time protesting their innocence.

It was a little joke of James Edwards Britt, the champion lightweight pugliist, who is here. James eent his friends to Nevada's capital, promising to fellow in a few hours. While they were on their way he telegraphed to Carson and when Goodwin and Kreling drove up to the Arlington Hotel they were met by an officer, who arrested them.

An hour later came a message "Let them.

arrested them.

An hour later came a message, "Let them go," and since that time Kreling and Goodwin have been busy explaining how greatly they enjoyed the joke.

SURS EQUITABLE DIRECTORS:

Continued from First Page.

tion is pointed toward the general management of the company. As an incident to this management specific acts will necessarily be inquired into and disclosed, but the point is that the court will look into the management and disposition of the funds of the society in order to see whether any funds have been wasted or lost which ought to be returned to the treasury of the society.

*The question involved in the syndicate

transactions is not so much the manage-ment and disposition of the funds of the soclety, as whether certain persons have by virtue of their trust relation to the society profited. It may be necessary to bring separate actions against the particular individuals who profited in these particular transactions; but it may possibly be that these transactions can be inquired in the action now brought. It will be noted also that the provision for removing a defendant from his office as officer or director is broader under Section 1781 of the Code than under Section 38 of the insurance law. Under the latter section the thing prohibited is a specific thing, to wit. 'No director or officer of an insurance corporation doing business in this State shall receive any money or valuable thing for negotiating, procuring or recommending any loan from any such corporation or for selling or aiding in the sale of any stocks to it by such corporation. Any person violating the provisions of this secion shall forfeit his position as such director or officer and be disqualified from thereafter holding any such office in any insur-

ance corporation. "The contention of the corporation and insurance lawyers is that Section 36 is limited to prohibiting the receipt of money or value by way of commission for nego tiating a loan or for selling or aiding in the sale of any stocks or securities. It is claimed by these lawyers that there is no prohibition against the sale by a director or officer to the company of property or the obtaining of a loan from the company as distinguished from getting a commis sion for doing either of the above things. Section 36 has never been construed by the courts and thus its meaning is from a lawyer's standpoint much in doubt.

Under Section 1781, subdivision 4, how ever, a defendant can be removed from his office upon proof of whatever the court may regard as misconduct. Thus, if the court finds that the management has been extravagant in salaries, in the system of agents' advances, in the placing out of large sums on deposit in subsidiary companies at small rates of interest, the court might likewise find that such acts were misconduct of the kind to justify a removal under Section 1781, subdivision 4. These legal questions and distinctions must be borne in mind because the field from a technical and legal standpoint is practically unexplored, and while there are adjudicated cases involving broad principles, there is a dearth of judicial construction upon the specific points above referred to. In order. however, to include both those directors who are said to have done active wrong and those who neglected their duty, the action is brought against all. It is for the court to determine, and an administrative officer such as the Attorney-General is not in the position to sit as a judge and be able to say definitely that one or the other should be relieved from a proceeding in court the purpose of which is the 'judicial supervision of the corporation and its officers and directors.

The second purpose of the action is to ndeavor to get an adjudication on the very important question of the rights of the policyholders. This has been tried before (Swan vs. Mutual Reserve F. L. Assn., 155 N. Y., 9. Greef vs. Equitable Insurance Society, 160 N. Y., 19. Hackett vs. Equitable Life Assurance Society, 50 App. Div., 266), but without success; but has never been tried in a suit instituted by the Attornev-General. Section 56 of the Insurance law restricts such a suit so that it can only Attorney-General on his own motion or after his approval of a request in writing therefor of the Superintendent of Insurance. or an accounting can be sought in an action by a judgment creditor or in supplementary proceedings. Of course, no action can ever brought as a matter of practical fact by a judgment creditor, because the company has always paid judgments rather than permit any such action to be brought. Thus, a fair test has really never been had in the cases hereinabove just mentioned, because the Attorney-General has never brought the action either on his own motion or upon request of the Superintendent of Insurance. It is to be remembered that this branch of the action involves very intricate and difficult questions, but this branch of the action is a branch in which it is believed that the large number of policyholders take the deepest interest.

Reference to the charter of the company will show that it was provided in article 3 thereof the 'earnings and receipts of said company over and above the dividends, losses and expenses shall be accumulated; also in article 6, 'each colicyholder shall be credited with an quitable share of said surplus, &c. All of article 6 is well worth reading in this connection and is referred to sufficiently the complaint. The testimony of McGuinness before the Superintendent of Insurance shows that in the reports to the Tax Commissioners in New York the officials of the insurance company for a number of years have treated the surplus as be onging to the policyholders so as to avoid taxation thereon.

"The importance of getting a determination at this point will be manifest. If the policyholders have a share in the surplus the proportion should be arrived at by actuarial figures or by some other just

"If the stockholders are entitled to the surplus, and not the policyholders, then it s but just that the public should know it. so that the man insuring would know pre cisely what to expect and what his rights were. The determination of this question will most likely affect the kind and character of policies hereafter to be issued by this society, and probably by other societies. Of course there are many different kinds of policies, having all sorts of options and perticipations, and it is quite likely that if sharp attention is called to this subject through the institution of this suit, the legislative committee may take the matter under earnest consideration with the view to ascertaining whether it is a proper subject for legislative definition or

"An interesting feature of the so called Frick report, signed by Messrs. Frick, Harriman, Ives, Bliss and Ingalls, is that it is practically an arraignment of the management and may fairly be construed as to some extent at least arraigning those who did not attend to the business of the society. Under the heading in that report, Functions Exercised by the Board of Directors as Disclosed by Their Minutes. it will be noted that the committee says that the proceedings of the meetings were purely formal, and after setting forth the **PureRyeWhiskey**

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formal or negligent way in which the business was done this heading concludes as

" 'For permitting this condition the board is responsible and these committees should be reorganized.' The Frick report also says: "The final result of all this is that the supreme authority of the board has been in effect turned over wholly to the executive officers of the society.'

"It will thus be see that Mesers. Frick Harriman, Ives, Bliss and Ingalls have, themselves characterized not only the acts of others, but their own acts to the extent as to themselves of saying in substance that the board of which they were members was negligent.

"In conclusion, in a complaint of this kind it is neither necessary nor proper to The complaint must allege a sufficient number of acts to show that the defendants have not performed their duty, and then the court, acting upon that basis, will inquire into all of the acts of each defendant while he was a director."

It was reported yesterday that the Equitable trustees have for several weeks been endeavoring to work out some plan for the election of policyholders' directors in which the possibility of the agents exercising control in the elections would be entirely eliminated. That, it is thought, will be accomplished in the plan which the trustees have already laid out of having the policyholders send their votes directly to the board of trustees, but it was said that an effort is being made to improve, if possible, on that

The trustees, it was said, have been examining the arrangements which other mutual companies have in force for the election of their governing bodies, and thus far they had found two which furnish better suggestions than any others. The two are the Canada Life Insurance Company of Toronto and the Northwestern of Milwaukee.

The policyholders of the Canada Life may express their choice as to the directors by a mail vote. The company has a board of fifteen, nine representing the stock and ix the policyholders. The policyholders of the Northwestern vote by proxy, but the proxies have to be recorded on the books of the company sixty days before the election and neither the officers nor agents are allowed to vote a proxy.

INDIANA MANAGER QUITS.

Dilday Telis Morton That Wrangling Has Hurt the Business. INDIANAPOLIS, Ind., July 20 .- Noble J. Dilday, who since 1902 has been general manager in Indiana for the Equitable Life Assurance Society, to-night forwarded his resignation to President Paul Morton.

With the resignation Mr. Dilday sent a statement setting forth the reasons for it, one of which was that the business the Equitable in Indiana, on account of the wrangles of the high officials for several months, has suffered considerably and that the aggregate of insurance written during the present month is 50 per cent. less than the amount written during the same time last year.

the same time last year.

In explaining his action Mr. Dilday states also that he is not in favor with Gage E. Tarbell, who has been recently reinstated as second vice-president of the company by President Morton. Mr. Dilday said that he believed by the new mutual plan which is to be adopted by the Equitable Tarbell would attempt to promote himself to the position of president.

To do this, Dilday says, he will attempt to vote in his favor all the proxies of the policyholders over, the United States. To obtain these proxies he must enlist the aid of the State managers. Mr. Dilday says that Tarbell knows that he cannot enlist his.

BRIDEGROOM OF AN HOUR DEAD. Had Just Get Back From the Church When

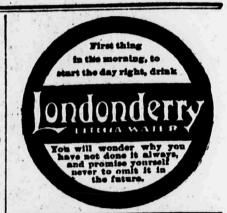
Heart Disease Killed Him. Stephen Petri, 30 years old, an Italian, was married last night, and after the church peremony he and his bride returned to the ceremony he and his bride recurred to the home of the wife's parents, at 181 Columbia street, Brooklyn, to receive their friends. Ten minutes after entering the house the bridegroom toppled over on the floor. Before Dr. Bull of the Long Island College Hospital reached him he was dead. Heart

Car Hits Elevated R. R. Pillar. A troiley car of the Seventh avenue line Brooklyn, jumped the tracks on Flatbush avenue near the Long Island depot last night and crashed head on into an elevated railroad pillar. Michael Shine, the motorman, was thrown over the dashboard and five of the passengers were dumped out in the street. All received bruises but no serious hurts. Policeman Oscar Bensen and Doorman D. Russell of the Classon avenue police station were both on the car.

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TO BE A GUEST AT SKIBO. Thomas N. Miller, Who Did Carnegie a

Good Turn, Going Abroad. PITTEBURG, July 30 .- Thomas N. Miller. president of the Pittsburg Opera House Company, who induced Andrew Carnegie to engage in the iron business, departed this evening for New York to sail Tuesday on the Kronprinz Wilhelm for a five weeks visit to Mr. Carnegie at Skibo Castle and on

the Continent.

This will be the first transatiantic trip Mr. Miller has taken since 1862, when he accompanied Mr. Carnegie on Carnegie's first trip to Europe. At that time Mr. Carnegie was superintendent of the Pittsburg division of the Pennsylvania Railroad, and it was while on his trip that he made his first sensational profits in the Columbia Oil Company, which gave the foundation for his great wealth.

MARSHALS KILL MAN AND WIFE. Herse Thieves Fought Hard When Overtaken-Their Boy Arrested.

MUSECOEE, I. T., July 30.—Two deputy United States marshals, J. H. Noble and E. S. Edwards, killed J. E. Coleman and his wife, and arrested their son, aged 15 years, after a fight on Deep Fork River, twentyfive miles west of Checotah.

The Colemans had stolen horses, mules and cattle in the Choctaw Nation. They passed through Chectaw nation. They passed through Chectaw nation. They passed through Chectaw nation and sold some of the stock. Officers were put on their track and overtook them on the Deep Fork. The thieves were surprised, but fought

hard. The woman, as well as the men, began to shoot when the officers approached. Cole-man and his wife were shot dead. The son was not injured.



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Semi - Annual Sale of Men's Suits.

You'll find full details in this evening's papers, and in "The Sun' to-morrow.

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DIED:

BELL.-At Arington, N. J., July 20, 1905, Rachel Parry, widow of James A. Bell, in her 88th

Funeral at Watertown, N. Y., Monday afternoon. BORG .- On Saturday, July 29, at her residence. Simon Borg, in her fifty-second year.

Funeral service will be held at the Temple Emanu-

El, Fifth avenue and Forty-third street, Wednesday morning, August second, at ten o'clock.

Interment at convenience of the family. CASTREE.—Suddenly, of heart failure, John W. Castree of 22 East 48th st., in the 61st year of

his age.

Funeral services will be held on Monday, July 31, at 2 P. M., at the Marble Collegiate Church. 5th av. and 29th st. Kindly omit flowers. MURRAY.-Entered into rest at Paterson, N. J. on Sunday, July 30, 1905, Leslie Ford, son of the late Peter Colin and Isabella Ford Murray.

of Ramapo, N. Y., aged 21 years, member of class of 1905, Princeton University. Relatives, friends and graduates of Princeton University are invited to attend the funeral services on Tuesday, Aug. 1, at the residence of his uncle, Mr. James McMurtry, 51 Carroll st., Paterson, at 8 o'clock P. M. Interment at Sloatsburg, N. Y.

SHORT.—At his residence, 20 West 37th st., on Sunday, July 30, in the 51st year of his age. Edward Lyman Short, son of the late Prof. Charles Short and Anne Jean Lyman Short. WHITEHOUSE.—On Friday evening, July 28, 1903, at New Brighton, Staten Island, N. Y., Helen, wife of George M. Whitehouse and daughter

of the late Dr. Ferdinand N. Ostrander of Brooklyn, N. Y. Funeral services at her late residence, Hamilton av., New Brighton, on Monday after-noon at quarter before 2 o'clock. Carriages will await at New Brighton station arrival of

train connecting with boat leaving New York at 1 o'clock. Interment private. CEMETERIES.

THE WOODLAWN CEMETERY is readily accessible by Harlem trains from Grand Central Station, Webster and Jerome Avenue trollers and by carriage. Lots \$125 up. Tele-phone (4878 Gramercy) for Book of Views or repre-OFFICE, 20 EAST 28D ST., N. Y. CITT.